IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

CRL.A.No. 993 of 2001(A)

CC.1912/1999 of CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM
CRL.MC NO.5730/2001 DATED 22/08/2001

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APPELLANT:

K.V.ABDUL NAZAR, PROPRIETOR, AKBAR TRAVELS OF INDIA
VELLAYAMBALAM, THIRUVANANTHAPURAM-10,
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER
MR.PRAVEEN S/O.PURUSHOTHAMAN, PALLEERI HOUSE,
PATTAMBI, PALAKKAD.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS:

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1. MR.AFSAL, S/O. ARSHAD, AFANL MANZIL,
MADAN NADA, PALLIMUKKUM,
KOLLAM DISTRICT.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.993 of 2001(D)

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Dated this the 2nd day of July, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.1912/1999 in the file of the Chief Judicial Magistrate, Thiruvananthapuram, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 30-7-2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.993 of 2001(D)

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J U D G M E N T

2nd July, 2007